provisions of the Constitution, be construed subject to the following adaptations, namely :—

In sub-section (1) of the said section, for "His Highness the Maharaja", substitute "the Constitution" and for "solemnly $\frac{\text{swear}}{\text{affirm}}$ that I will be faithful and bear true allegiance to His Highness the Maharaja of Mysore, his heirs and successors" substitute $\frac{\text{swear in the}}{\text{solemnly}}$ $\frac{\text{of God}}{\text{affirm}}$ that I will bear true faith and allegiance to the Constitution of India" and for "duties" substitute "duty."

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,
*Secretary to Government,*
*Local Self-Government Department.*

No. L.S. 3606—L.W. 99-50-3, dated Bangalore, 11th January 1951.

The draft of the following Rules under the Industrial Disputes Act, 1947 (Central Act XIV of 1947), which it is proposed to make in exercise of the powers conferred by Section 38 of the said Act, is hereby published for the information of all persons likely to be affected thereby, as required by the said section.

Objections or suggestions if any to the draft Rules may be forwarded to the Secretary to Government, Law Department, Public Offices, Bangalore, through the Commissioner of Labour, for consideration, so as to reach him not later than the 1st February 1951.

## DRAFT RULES UNDER THE INDUSTRIAL DISPUTES ACT (CENTRAL) 1947.

1. (i) *Title and application.*—These rules may be called the Industrial Disputes (Mysore) Rules, 1950.

(ii) They extend to the whole of the State of Mysore.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context.

(*a*) *Act* means the Industrial Disputes Act, 1947.

(*b*) *Chairman* means Chairman of a Board, Court, or Tribunal or if the Court or Tribunal consists of one person only, such person.

(c) "*Committee*" means a Works Committee constituted under sub-section (1) of section 3 of the Act.

(d) "*Form*" means a form in the Schedule to these rules.

(e) "*Registered Association*" means an association of employees registered under the Mysore Labour Act, 1942.

(f) "*Section*" means section of the Act.

## PART I.

### Procedure for reference of Industrial Disputes to Boards of Conciliation, Courts of Enquiry or Industrial Tribunals.

3. An application for the reference of an Industrial Dispute to a Board, Court or Tribunal shall be made in Form 'A' and shall be delivered personally or forwarded by registered post in triplicate to the Secretary to Government, in charge of Labour Department. The application shall be accompanied by a statement setting forth.—

(a) The parties to the dispute,

(b) The specific matters to dispute,

(c) The total number of workmen employed in the undertaking affected,

(d) An estimate of the number of workmen affected or likely to be affected by the dispute,

(e) The efforts made by the parties themselves to adjust the dispute.

4. *Attestation of application.*—The application and the statement accompanying it shall be signed—

(a) in case of an employer by the employer himself or when the employer is an incorporated Company or other Body Corporate, by the Agent, Manager or other Principal Officer of the Corporation;

(b) in the case of workmen, either by the President, and Secretary of a registered association of the workmen, or by five representatives of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose.

5. *Notification of appointment of Board, Court or Tribunal.*—The appointment of a Board, Court or Tribunal together with the names of persons constituting the Board, Court or Tribunal shall be notified in the *Mysore Gazette*.

6. *Notice to parties to nominate representatives.*—(i) If the State Government propose to appoint a Board, it shall send a notice in Form 'B' to the parties requiring them to nominate within a reasonable time persons to represent them on the Board.

(ii) The notice to the employer shall be sent to the employer personally or if the employer is an incorporated Company or a Body Corporate, to the Agent, Manager or other Principal Officer of such company or body.

(iii) The notice to the workmen shall be sent—

(*a*) in the case of workmen who are members of a registered association to the President or Secretary of the registered association; and

(*b*) in the case of workmen who are not members of a registered association, to any one workman who has attested the application made under rule 3; and in this case a copy of the notice shall also be sent to the employer who shall display copies thereof on notice boards in a conspicuous manner at the main entrance to the premises of the establishment.

## PART II.

### POWERS, PROCEDURE AND DUTIES OF CONCILIATION OFFICERS BOARDS, COURTS AND TRIBUNALS.

7. *Conciliation Proceedings.*—On receipt of information about an existing or apprehended industrial dispute, or where the dispute relates to a public utility service, on receipt of a notice of a strike or lockout given under rule 52 or rule 53, the Conciliation Officer shall orthwith arrange to interview both the employer and the workmen concerned with the dispute at such places and at such time as he may deem fit and shall endeavour to bring about a settlement of the dispute in question.

8. The Conciliation Officer may hold a meeting of the representatives of both parties jointly or of each party separately.

9. The Conciliation Officer shall conduct the proceedings expeditiously and in such manner as he may deem fit.

10. *Place and time of hearing.*—The sittings of a Board, Court or Tribunal shall be held at such times and places as the Chairman may fix and the Chairman shall inform the parties of the same in such manner as he thinks fit:

Provided as far as possible the Board, Court or Tribunal shall sit at or near the place where the dispute or matter arose which is before it.

11. *Quorum for Boards and Courts.*—The quorum necessary to constitute a sitting of a Board or Court shall be as follows :—

| | | Quorum |
|---|---|---|
| (i) in the case of a Board— | | |
| where the number of members is 3 | ... | 2 |
| where the number of members is 5 | ... | 3 |
| (ii) in the case of a Court— | | |
| where the number of members is not more than 2 | ... ... | 1 |
| where the number of members is more than 2 but less than 5 | ... ... | 2 |
| where the number of members is 5 or more | | 3 |

12. *Casual vacancy in Tribunal.*—Where a Tribunal consists of two or more members, the Tribunal may, with the consent of the parties, act notwithstanding any casual vacancy in its number and no act, proceeding or determination of the Tribunal shall be called in question or invalidated by reason of any such vacancy.

13. *Administration of oath.*—Any member of a Board, Court or Tribunal may administer an oath.

14. *Evidence.*—A Board, Court or Tribunal may accept, admit or call for evidence at any stage of the proceedings before it and in such manner as it may think fit.

15. *Summons.*—Summons issued by a Board, Court or Tribunal shall be in Form 'C' and may require any person to produce before it any books, papers or other documents and things in his possession or under his control in any way relating to the matter under investigation or adjudication by the Board, Court or Tribunal which the Board, Court or Tribunal thinks necessary for the purpose of such investigation or adjudication.

16. *Service of Summons or Notice.*—Any notice, summons, process or order issued by a Board, Court or Tribunal may be served either personally or by registered post.

17. *Procedure at the first sitting.*—At the first sitting of a Board, Court or Tribunal, the Chairman shall call upon the parties in such order as he may think fit to state their case.

18. *Information to be kept Confidential.*—All books, papers and other documents or things produced before a Board, Court or Tribunal whether voluntarily or in pursuance of summons may be inspected by the Board, Court

or Tribunal and also by such parties as the Board, Court or Tribunal allows; but the information obtained therefrom shall not except as provided in the Act, be made public; and such parts of the books, papers, documents or things as in the opinion of the Board, Court or Tribunal do not relate to the matters at issue may be sealed up.

19. *Board, Court or Tribunal may proceed ex-parte.*—If without good cause shown, any party to proceedings before a Board, Court or Tribunal fails to attend or to be represented, the Board, Court or Tribunal may proceed as if he had duly attended or had been represented.

20. *Power of Entry and Inspection.*—A Board, Court or Tribunal or any member thereof or any other person authorised in writing by a Board, Court or Tribunal in this behalf may, for the purposes of any investigation, enquiry or adjudication entrusted to the Board, Court or Tribunal under the Act, at any time between the hours of sunrise and sunset, and in the case of a person authorised in writing by a Board, Court or Tribunal after he has given reasonable notice, enter any building, factory, workshop or other place or premises whatsoever, and inspect the same or any work, machinery appliance or article therein or interrogate any person therein in respect of anything situated therein or any matter relevant to the subject matter of the investigation, enquiry or adjudication.

21. *Power of Boards, Courts and Tribunals.*—In addition to the powers conferred by sub-section (3) of section 11 of the Act, Boards, Courts and Tribunals shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1911, when trying a suit, in respect of the following matters, namely :—

(*a*) discovery and inspection;

(*b*) granting adjournment;

(*c*) reception of evidence taken on affidavit; and

the Board, Court or Tribunal may summon and examine *suo motu* any person whose evidence appears to it to be material and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904.

21-A. *Power of Tribunals to award costs.*—The costs of, and incidental to, any proceeding before a Tribunal shall be in the discretion of that Tribunal and the Tribunal shall have full powers to determine by and to whom and to what extent and subject to what conditions if any such costs are to be paid and to give all necessary directions for the purposes aforesaid.

22. *Decision by majority.*—All questions arising for decision at any meeting of a Board, Court or Tribunal, save where the Court or Tribunal consists of one person shall be decided by a majority of the votes of the members thereof (including the Chairman) present at the meeting. In the event of an equality of votes, the Chairman shall also have a casting vote.

23. *Correction of errors.*—The Tribunal may correct any clerical mistake or error arising from an accidental slip or omission in any award it issues.

24. *Right of representatives.*—The representatives of the parties, appearing before a Board, Court or Tribunal shall have the right of examination, cross-examination and re-examination and of addressing the Board, Court or Tribunal when all evidence has been called.

25. *Proceedings before a Board.*—The proceedings before a Board shall be held in public:

Provided that the Board may at any stage direct that any witness shall be examined or its proceedings shall be held in camera.

## PART III.

REMUNERATION OF MEMBERS OF BOARDS, COURTS AND TRIBUNALS, ASSESSORS AND WITNESSES AND ESTABLISHMENTS.

26. *Travelling Allowance.*—A member of a Board, Court or Tribunal, if a non-official shall be entitled to draw travelling allowance and halting allowance for any journey performed by him in connection with his duties as such member at the rates admissible and subject to the conditions applicable to a Government servant of First Grade under the Mysore Service Regulation and if he is retired Judge of the High Court or a District Court he is

entitled to draw Travelling Allowance and Dearness Allowance admissible to a Judge of the High Court or a District Court in Service.

27. *Fees.*—The Chairman and members of a Board, Court or Tribunal and the assessors appointed to assist a Court or Tribunal shall be granted such fees as may be sanctioned by the Government in each case.

28. *Expenses of witnesses.*—Every person who is summoned and duly attends as a witness before a Board, Court or Tribunal shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil courts.

29. *Establishment.*—The Government may appoint a Secretary to the Board, Court or Tribunal and such other staff as it may think necessary and may fix the salaries and allowances payable to them.

## PART IV.

### Representation of Parties.

30. *Representation by a Legal Practitioner.*—Any party to a reference before a Court or Tribunal may be represented by a legal practitioner with the permission of the Court or Tribunal, as the case may be, and subject to such conditions or restrictions as the Court or Tribunal may impose.

31. *Parties bound by acts of representatives.*—A party appearing by a representative shall be bound by the acts of that representative.

## PART V.

### Works Committees.

32. *Constitution.*—Any employer to whom an order made under sub-section (1) of section 3 relates shall forthwith proceed to constitute a Works Committee in the manner prescribed in this part.

33. *Number of Members.*—The number of members constituting the Committee shall be fixed so as to afford representation to the various categories, groups and

classes of workmen engaged in, and to the sections, shop or departments of the establishment:

Provided that the total number of members shall not exceed twenty:

Provided further that the number of representatives of the workmen shall not be less than the number of representatives of the employer.

34. *Representatives of the employer.*—Subject to the provisions of these rules, the representatives of the employer shall be nominated by the employer and shall as far as possible, be officials in direct touch with or associated with the working of the establishment.

35. *Consultation with the Registered Association.*—Where any workmen of an establishment are members of a registered association, the employer shall ask the Association to inform him in writing—

(*a*) how many of the workmen are members of the Association; and

(*b*) how their membership is distributed among the sections, shops or departments of the establishment.

36. *Groups of workmen's representatives.*—On receipt of the information called for under rule 35, the employer shall provide for the election of workmen's representatives on the Committee in two groups—

(1) those to be elected by the workmen of establishment who are members of the Association or Associations;

(2) those to be elected by the workmen of the establishment who are not members of such Association or Associations bearing the same proportion to each other as the Association members in the establishment bear to the non-members:

Provided that where more than half the workmen are members of an association, no such division shall be made.

37. *Electoral Constituencies.*—Where under rule 36, the workmen's representatives are to be elected in two groups, the workmen entitled to vote shall be divided into two electoral constituencies, the one consisting of those who are members of the Association and the other of those who are not:

Provided that the employer may, if he thinks fit, subdivide the two electoral constituencies and direct that

workmen shall vote in either by groups, sections, shops or departments.

38. *Qualification of candidates for election.*—Any workmen of not less than 19 years of age and with a service of not less than one year in the establishment may if nominated as provided in these rules, be a candidate for election as a representative of the workmen on the committee:

Provided that the service qualification shall not apply to the first election in an establishment which has been in existence for less than a year.

39. *Qualifications for voters.*—All workmen, other than casual employees, who are not less than 18 years of age and who have put in not less than 6 months' service in the establishment shall be entitled to vote in the election of the representatives of workmen.

40. *Procedure for Election.*—(1) The employer shall fix a date as the closing date for receiving nominations from candidates for election as workmen's representatives on the committee.

(2) For holding the election the employer shall also fix a date which shall not be earlier than three days and later than ten days after the closing date for receiving nominations.

(3) The dates so fixed shall be notified at least seven days in advance to the workmen and the Association or Associations concerned, such notice shall be affixed on the notice board or given adequate publicity amongst the workmen. The notice shall specify the number of seats to be elected by the groups, sections, shops or departments and the number to be elected by the members of the Association or Associations and by the non-members.

(4) A copy of which notice shall be sent to the Association or Associations concerned.

41. *Nomination of Candidates for Election.*—(1) Every nomination shall be made on a nomination paper in Form 'H' copies of which shall be supplied by the employer to the workmen requiring them.

(2) Each nomination paper must be signed by the candidate to whom it relates and attested by at least two other voters belonging to the electoral constituency and shall be delivered to the employer.

42. *Scrutiny of Nomination Papers.*—(1) On the day following the last day fixed for filing the nomination papers, the nomination papers shall be scrutinised by the employer in the presence of the candidates and the attesting persons and those which are not valid shall be rejected.

(2) For the purpose of sub-rule (1), a nomination paper shall be held to be not valid if (*a*) the candidate nominated is ineligible for membership under rule 38 or (*b*) the requirements of rule 41 have not been complied with.

43. *Voting in Election.*—(1) If the number of candidates who have been validly nominated is equal to the number of seats, the candidates shall be forthwith declared duly elected.

(2) If in any constituency the number of candidates is more than the number of seats allotted to it, voting shall take place on the day fixed for election.

(3) The election shall be held in such manner as may be convenient for each electoral constituency.

(4) The voting shall be conducted by the employer, and, if any of the workmen concerned belong to an Association, by such of them as the Association, may nominate.

44. *Arrangements for Election.*—The employer shall be responsible for all arrangements in connection with the election.

45. *Officers of the Committee.*—(1) The Committee shall elect office-bearers including one Chairman, one Vice-Chairman and two Joint Secretaries.

(2) The Chairman shall be nominated by the employer from amongst the employers' representatives on the Committee.

(3) The Vice-Chairman shall be elected by the Committee from amongst the workmen's representatives on the Committee.

(4) The two Joint Secretaries shall be elected by the Committee from amongst the representatives of the employer and of the workmen, respectively.

46. *Term of Office.*—(1) The term of office of a workmen's representative on the Committee other than a member chosen to fill a casual vacancy, shall be two years.

(2) A member chosen to fill a casual vacancy shall hold office for the unexpired term of his predecessor.

47. *Vacancies.*—In the event of a workman's representative ceasing to be employed in the establishment or in the event of his resigning the membership on the Committee, his successor shall be elected from the constituency to which the member vacating the seat belonged.

48. *Power to Co-opt.*—The Committee shall have the right to co-opt in a consultative capacity persons employed in the establishment having a particular or special knowledge of a matter under discussion. Such co-opted members shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Committee.

49. *Number of Meetings.*—The Committee may meet as often as necessary but not less often than once a month.

50. *Facilities for meeting, etc.*—The employer shall provide accommodation for holding meetings of the Committee. He shall also provide all necessary facilities to the Committee and to the members thereof for carrying out the work of the Committee.

## PART VI.

51. *Memorandum of Settlement.*—The memorandum of settlement to be submitted by the Conciliation Officer—Board of Conciliation—shall be in Form 'D'.

52. *Notice of Strike.*—(1) The notice of strike to be given to the employer by employees in a public utility service shall be in Form 'E'.

(2) On receipt of a notice of strike under sub-rule (1), the employer shall forthwith intimate the fact to the appropriate Conciliation Officer.

53. *Notice of Lock-out.*—The notice of lock-out to be given by an employer carrying on a public utility service shall be in Form 'F'.

54. *Report of Lock-out or Strike.*—The report of a lock-out or strike in a public utility service to be submitted by the employer under sub-section (3) of section 22, shall be in Form 'G'.

55. *Report of Notice of Strike or Lock-out.*—The report of notice of a strike or lock-out to be submitted by the employer under sub-section (6) of section 22 shall be sent by registered post or given personally to the Conciliation Officer, appointed for the local area concerned, with a copy by registered post to—

1. The Secretary to Government of Mysore, Bangalore, in charge of Labour Department.

56. *Penalties.*—Any breach of these rules shall be punishable with fine not exceeding fifty rupees.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
*Secretary to Government,*
*Law Department.*

## SCHEDULE.

FORM 'A'.

*(See Rule 3.)*

**Form of application under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947, for the reference of an industrial dispute to a Board of Conciliation/Court of Enquiry/Industrial Tribunal.**

Whereas an industrial dispute is apprehended/exists between .....and.....and it is expedient *that the matters specified in the enclosed statement which are connected with or relevant to the dispute/the dispute should be referred for investigation and* settlement/enquiry/adjudication, by a Board of Conciliation/A Court of Enquiry/an Industrial Tribunal—an application is hereby made under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947, that the said matters/said dispute—should be referred to a Board of Conciliation/A Court of Enquiry/an industrial Tribunal.

This application is made by the undersigned who have/has been duly authorised to do so by virtue of a resolution (copy enclosed) adopted by a majority of the members present at a meeting of the .....held on the..... ..... 19 .

A statement giving the particulars required under Rule 3 of the Industrial Disputes (Mysore) Rules, 1950, is attached.

Dated the.....19 . *Signature of Applicant(s).*

To

The Secretary to the Government of Mysore,
in charge of Labour Department.

Statement required under rule 3 of the Industrial Disputes (Mysore) Rules, 1950, to accompany the form of application prescribed under sub-section 2 of Section 10 of the Industrial Disputes Act, 1947 :—

(*a*) Parties to the dispute.

(*b*) Specific matters in dispute.

(*c*) Total number of workmen employed in the undertaking affected.

(*d*) Estimate of the number of workmen affected or likely to be affected by the dispute.

(*e*) Efforts made by the parties themselves to adjust the dispute.

FORM 'B'.

*(See Rule 6).*

Whereas an industrial dispute has arisen/is apprehended between .....and.....and it is expedient to refer the said dispute under Section 10 of the Industrial Disputes Act, 1947, to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required to intimate to the undersigned not later than the ..... the name(s) and address(es) of one (two) person(s) whom you wish to recommend for appointment as your representative(s) on the said Board.

If you fail to make the recommendation by the date specified above, the Government will select and appoint such person(s) as it thinks fit to represent you.

.....

*Secretary to the Government, in charge of Labour Department.*

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FORM 'C'.

*(See Rule 15).*

Whereas an industrial dispute between.....and.....has been referred to Board of Conciliation for/investigation and Settlement this Court of Enquiry for investigation under Industrial Tribunal for adjudication Section 10 of the Industrial Disputes Act, 1947, you are hereby summoned to appear before the Board Court in person on the ..... Tribunal day of .....at..... o'clock in the..... noon to answer all material questions relating to the said dispute and you are directed to produce on that day all the books, papers and other documents and things in your possession or under your control in any way relating to the matter under investigation by this Board Court Tribunal

Dated.....

*Chairman/Secretary,* Board of Conciliation / Court of Enquiry / Industrial Tribunal

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FORM 'D'.

*(See Rule 51.)*

**Form of Memorandum of Settlement.**

Names of parties

Representing employer .....

Representing employees .....

Short recitle of case.

Terms of agreement.

*Signature of parties.*

*Signature of* *Conciliation Officer.*

*Board of Conciliation.*

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FORM 'E'.

*(See Rule 52).*

**Form of notice of strike to be given by employee(s) in a public utility service.**

Name of Association.

Names of elected representatives of employees where no Registered Association exists.

Address.

Dated the day of 19

To

(The name of the employer).

Dear Sir/Sirs,

In accordance with the provisions contained in sub-section (1) of Section 22 of the Industrial Disputes Act, 1947, I/we hereby give you notice that I propose to call a strike/we propose to go on strike on 19 , for the reasons explained in the annexe.

Yours faithfully,

*Secretary of the Association.*

Representatives of the employees elected at a meeting held on.....

ANNEXE.

Statement of the Case.

FORM 'F'.

*(See Rule 53).*

**Form of notice of lock-out to be given by an employer carrying on a public utility service.**

Name of employer..... .....Address

Dated the.....day of..... .....19 .

To

*(The Secretary of the Registered Association, if any)*

DEAR SIR,

In accordance with the provisions of sub-section (2) of section 22 of Industrial Disputes Act, 1947, I/we hereby inform you that it is my/our intention to effect a lock-out with effect from..... .....for the reasons explained in the annexe.

Yours faithfully,

(*)

* Here insert the position which the person who signs this letter holds with the employer issuing this letter.

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ANNEXE

Statement of the case.

FORM 'G'.

*(See Rule 54).*

**Form of Report of Strike or Lock-out in a public utility service**

Information to be supplied in this Form immediately on the occurrence of a strike or lock-out in a public utility service to the Conciliation Officer concerned.

| Name of the undertaking | Station and District | Normal working strength | Number of workers involved | | Strike or Lock-out | Date of commencement of strike or lock-out | Cause | Was notice of strike or lock-out given; if so, on what date and for what period? | Is there any permanent agency or agreement in the undertaking for the settlement of disputes between the employer and workmen? If any exists, particulars thereof. | Any other information |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | Directly | Indirectly | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | | | | | | | |

NOTE.—Column (3) Give the average number of workmen employed during the month previous to the day on which the strike or lock-out occurred. While reckoning the average, omit the days on which the attendance was not normal for reasons other than individual reasons of particular workmen. Thus days on which strike or lock-out occurs or communal holiday is enjoyed by a large section of workers should be omitted.

Column (4) If say, 200 workers in a factory strike work and in consequence the whole factory employing 1,000 workers has to be closed then 200 should be shown under "directly" and remaining under "indirectly." If the strike of 200 workers does not affect the working of the other departments of the factory, the number of workers involved would only be 200, which figures should appear under "directly" and column "indirectly" would be blank.

Column (8) Give the main causes of the dispute as well as the immediate cause that led to the strike or lock-out.

FORM 'H'.

*(See Rule 41)*

**Form of Nomination Paper.**

| Name of Industrial Establishment. | Group/Section/Shop/Department. |
|---|---|
| | |

I nominate

(Here enter the name of the workmen's representative eligible for .....for election).....

as a candidate for election to the Works Committee.

*Signature of Proposer.*

Date.....

I agree to the proposed nomination.

*Signature of Candidate.*

Date

Attested by (1) } To be signed by any two voters
(2) } belonging to the electoral constituency.